

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:05-bk-10373-ABB
Chapter 7

AVERY B. BROOKS,

Debtor.

ORDER

This matter came before the Court on the Motion to Conditionally Reopen Chapter 7 Case ("Motion to Reopen") (Doc. No. 14) filed by Avery B. Brooks, the Debtor herein ("Debtor"). A hearing on the Motion was held on May 25, 2006 at which counsel for the Debtor appeared. The Debtor's case was prematurely closed in error on March 23, 2006 while the Debtor's Verified Motion for Authority to Redeem Personal Property and Approval of Associated Financing Under U.S.C. 722 ("Motion to Redeem") (Doc. No. 10) was pending. The Debtor filed the Motion to Reopen in order to obtain a final determination on the Motion to Redeem. A filing fee of \$220.00 was remitted to the Clerk of Court (Receipt Number 7416198) with the Motion to Reopen. A refund of the filing fee is appropriate because the case was closed in error. Counsel did not indicate whether he advanced the filing fee or the Debtor paid the filing fee to counsel.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Debtor's Motion to Reopen is hereby **CONDITIONALLY GRANTED** and this case is hereby **REOPENED** for the purpose of addressing the Motion to Redeem; and it is further

ORDERED, ADJUDGED and DECREED that Debtor's counsel is directed to file a statement with the Court within seven (7) days of the date of entry of this Order stating to whom the filing fee refund should be paid.

Dated this 14th day of June, 2006.

/s/ ARTHUR B. BRISKMAN
ARTHUR B. BRISKMAN
United States Bankruptcy Judge